

Emails Show Conspiracy by EPA Region 9 and San Francisco Health Department Officials to Cover-up Dangers of the Lennar Corp.'s Development Project at the Hunters Point Naval Shipyards

Officials Suppress Data Showing Asbestos Exposures in the Bayview Hunters Point Community



Mark

Environmental Engineer
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Ripperda, EPA Region 9
Amy Brownell,

San Francisco Department of Public Health

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Since 2006 when heavy grading and excavation began by the Lennar Corporation at the Hunters Point Naval Shipyards, residents of the Bayview Hunters Point community, a majority African American, Samoan and Latino low-income community, suffered from health problems including nose bleeds, rashes and headaches that they believed were caused by asbestos and heavy metals being unearthed from these actions. Residents complained en masse to the EPA, the San Francisco Health Department, and other federal, state, and local environmental and health agencies demanding testing of the community and regulatory enforcement.

However, little did residents know that officials in the Environmental Protection Agency Region 9 and the San Francisco Department of Public Health were conspiring with the Lennar Corporation to conceal the health threats of asbestos laden dust.

Email correspondence obtained through a public records request now reveal that Mark Ripperda, EPA Region 9 Remedial Project Manager of the Hunters Point Naval Shipyards, and Amy Brownell, Environmental Engineer at the San Francisco Department of Public Health, used their offices to manipulate environmental data and create false reports in support of the Lennar Corporation's plan for a major redevelopment project on the shipyard site. Their numerous emails to employees and consultants of the Lennar Corporation show a concerted effort to conceal asbestos exposures in order to avoid the shut-down of redevelopment activities. Additional email correspondence indicates a conspiracy to create a justification for the Lennar Corporation's redevelopment project to move forward. See excerpts of emails below.

EPA Email Excerpts: Asbestos Exposure Cover-Up

May 14, 2009 3:37 pm

From: **Mark Ripperda**, EPA Region 9

To: Jeff Austin, Lennar Corp. Employee

"Hi, Jeff, as you've probably heard, the NOI [Nation of Islam]* is now beating on our door about asbestos."

*Note: The Nation of Islam operates a school for children ages 3 to 18 that is located next to the Hunters Point Naval Shipyards in the Bayview Hunters Point community.

June 24, 2009 10:00 am

From: **Mark Ripperda**, EPA Region 9

To: Rob Balas, Principal of Iris Environmental, Inc., Consultant to the Lennar Corp.

RE: Asbestos data flow chart call - 6/22

"we would like to take Lennar up on their offer to analyze the additional 8 samples from Lennar monitors so that we can do 16 filters from the City. This will also help lower the 'worst case risk' by including more samples with lower counts."

Oct. 28, 2009 1:26 pm

From: **Mark Ripperda**, EPA Region 9

To: Rob Balas, Principal of Iris Environmental, Inc., Consultant to the Lennar Corp.

RE: Hunter's Point data reanalysis

"We're meeting with the BAAQMD [Bay Area Air Quality Municipal District] and the City on November 3, and would like to meet with you soon thereafter to discuss the details and talking points. I prefer to keep our message as simple as possible and stay away from health assessments and from shut-down days."

Something along the lines of: Our analysis using more detailed methodology showed that there are fewer 'health risks fibers'* present than what the Air District assumed in setting the trigger levels.* Thus the Air District's methods and levels are appropriate and we will defer all regulatory issues concerning asbestos to the District."

"I'm not the asbestos expert, so is this a true statement?"

*Note: "Health risk fibers" refer to a concentration of asbestos that can cause adverse health effects. "Trigger levels" refer to the standards set by the Bay Area Air Quality Municipal District that require the shut-down of redevelopment activities by the Lennar Corp. at the Hunter's Point Naval Shipyard when an air monitor detects 16,000 or more asbestos fibers in a cubic meter.

May 29, 2009 4:16 pm

From: Rob Balas, Principal of Iris Environmental, Inc., Consultant to the Lennar Corp.

To: **Mark Ripperda**, EPA Region 9

Subject: RE: Hunters Point - Follow-up to Tuesday's conference call

". . . if we proceed with the limited sampling to check the correlation between the two different counting rules as it pertains to the fiber distributions, it is unlikely that we would use this initial evaluation to reach publicly communicable risk conclusions-say by using any found correlation to draw risk conclusions about current AHERA* dataset. To make any conclusions, a more robust, statistically significant sampling would need to be conducted. Even then, robust risk conclusions, ready for public consumption, may be impossible without activity-based sampling.* Ultimately this will be a policy management decision."

*Notes: AHERA stands for Asbestos Hazard Emergency Response Act and refers to one method of counting asbestos fibers in a given sample of dust.

Bayview Hunters Point residents repeatedly called on the EPA and the Health Department to conduct activity-based sampling, which is more statistically representative of actual human exposure to asbestos fibers. The EPA and the Health Department never complied with this request.

San Francisco Department of Public Health Email Excerpts: Asbestos Exposure Cover-Up

Jan. 19, 2007 8:26 am

From: David Rizzolo, San Francisco Department of Public Health

To: **Amy Brownell**, San Francisco Department of Public Health

Cc: Rajiv Batia, San Francisco Department of Public Health

Subject: Re: Fwd: worst case exposure assumption

"there may be other problems with reanalyzing worker exposure samples by TEM.* you would have to get the okay from Gordon Ball. the big problem i see is that measurements that were low by PCM* often turn out to be very high when reanalyzed by TEM. this is not a problem with OSHA because OSHA does not recognize TEM measurements. however, explaining to workers what this new information means for them can be a problem (pandora's box). that may be a bigger problem in reality than the one we are trying to address. in general, i see that in trying to put together a case to argue that exposure was "low," we are legitimizing

the allegations. it seems to me that the available facts are on our side, so we should stay away from trying to create more data. more data might not help us. we can talk more about this directly."

*Note: TEM stands for "transmission electron microscopy" and PCM stands for "phase contrast microscopy." Both are methods used in microscopes to count the asbestos fibers.

Oct. 13, 2006 3:52 pm

From: Amy Brownell, San Francisco Department of Public Health

To: Sheila Roebuck and Jeff Austin, Lennar Corp. Employees

Subject: very, very rough draft

"I'm sure you will also want to change my wording on how I portray the problems, lack of monitors, etc. Go ahead and change any way you want. I may change some of it back but I'm willing to read your versions. as noted, don't bother adding the worker monitoring information. I don't want to use it. I understand your sensitivity on this issue and if specifically asked in a public meeting, I will be willing to verbally state the facts related to worker monitoring. But I'm not willing to make it part of this narrative."

EPA Email Excerpt: Concoct Reason for the Lennar Redevelopment Plan to Move Forward

Nov. 3, 2009 12:10 PM

From: Mark Ripperda, EPA Region 9

To: Rob Balas, Principal of Iris Environmental, Inc., Consultant to the Lennar Corp., and Amy Brownell,

Subject: EPA's preliminary results and conclusions from asbestos slide re-analysis

Hi Rob, here are the main talking points that we will be presenting at this afternoon's meeting. You've been a careful reviewer of my language in the past - do you see any problems in how I've worded any of these points?

Nov. 4, 2009 9:25 am

From: Mark Ripperda, EPA Region 9

To: Rob Balas, Principal of Iris Environmental, Inc., Consultant to the Lennar Corp.

RE: HP [Hunters Point] asbestos re-analysis conclusions (2).doc.

"Thanks Rob, I appreciate your input and yes, you can share this internally with Lennar. These were talking points for yesterday's meeting with the City and the Air District. . . . I need a different focus for meeting with both the NOI [Nation of Islam, administrator of the school located next to Hunters Point Shipyard] and the greater community. The conclusions for general communication will probably stay similar, with one addition, a statement that EPA sees no reason to stop the development.*

"I'm not sure how to create a basis for the conclusions however, for the general public. The information in the first set of points is appropriate for government/industry types, but I'm searching for a way to justify that the development is acceptable without getting into details of risk assessment. Given NOI's sophistication, maybe we do have to provide more details than I hoped. I'm open to any written narrative or bullet list that you think might work.

"While I'm not going to use the list you edited again, partially because of confusion it created for even informed people like you and Rajiv,* I'll try and clarify a few things so we're on the same page as we massage the message. . . . My statement in the conclusion is ambiguous, because I presented a risk for single worst case earlier in my list, but am then assuming that an average of the data will result in a much lower risk, without actually calculating a risk. I can't use that logic for general communication for several reasons, one of which is because Christopher* will quickly point out that the highest level that we re-analyzed is not the highest level overall."

*Notes: Following this email, Mark Ripperda, EPA Region 9 Remedial Project Manager, repeatedly stated in public forums and meetings with local officials that EPA sees no reason to stop the Lennar Corp.'s redevelopment project at the Hunters Point Naval Shipyard. Mr. Ripperda's statement served as justification for the City of San Francisco Planning Department to draft an Environmental Impact Report in support of the redevelopment plan by the Lennar Corp. and a majority of the County Board of

Supervisors to approve the Environmental Impact Report.

The people referenced in this email are Rajiv Bhatia, the Director of Occupational & Environmental Health in the San Francisco Department of Public Health, and Minister Christopher Muhammad, a community leader advocating for health protections from the Lennar Corp.'s redevelopment activities at the Hunters Point Naval Shipyard.

The Cozy Relationship Between Regulators and Industry

Governmental statements that have downplayed the dangers of recent environmental disasters, such as the BP oil drilling disaster in the Gulf of Mexico and the exposures to radiation from nuclear reactors damaged by the recent earthquakes and tsunami in Japan, have raised significant public distrust. Such distrust centers on the relationship that governmental regulators have with regulated industries. In the wake of the BP oil drilling disaster, President Obama blasted the "scandalously close relationship" he said has persisted between Big Oil and government regulators, and promised to end the "cozy relationship" between the oil industry and federal regulators. The email correspondence reveals that the cozy relationship also exists between governmental regulators and developers. EPA Region 9 and San Francisco Public Health Department officials have developed a closely aligned relationship with the Lennar Corporation that is to the detriment of the Bayview Hunters Point community.

The Bayview Hunters Point community is located in southeastern San Francisco. Residents of the community and surrounding neighborhoods are predominantly people of color, who are disproportionately burdened with environmental hazards from the Hunters Point Naval Shipyard Superfund Site, industrial facilities, diesel rail and truck corridors, and substandard housing. These environmental hazards increased in 2000 when a brush fire at the Hunters Point Naval Shipyard smoldered underground for several weeks, exposing nearby residents to toxic smoke and chemicals. Massive excavation and grading activities at the shipyard were conducted in 2006 and 2007 without proper air monitoring stations and pollution control measures, resulting in the release of asbestos laden dust. However, EPA and San Francisco Public Health Department officials have suppressed information about the full impact of these and other environmental hazards. Their unconscionable decision to manipulate data and present false reports constitute a blatant disregard for the human rights of people who live, work, and attend school in the Bayview Hunters Point community.

Demand for Justice

Based on the obtained email correspondence, a coalition of residents, environmental justice, and worker rights organizations are calling on FBI Special Agent-in-Charge Stephanie Douglas; and the California State Attorney General Kamala Harris to:

- Launch a full investigation into public corruption involved in the Lennar Corporation redevelopment of the Hunters Point Naval Shipyard.

The coalition calls on the US EPA Administrator Lisa Jackson to:

- Place Region 9 into federal receivership under the direct authority of the EPA Headquarters in Washington D.C.
- Remove Mark Ripperda, EPA Region 9 Remedial Project Manager of the Hunters Point Naval Shipyard, and any other EPA employee found to be involved in the cover-up, from their roles in the Hunters Point Navy Shipyard project.
- Place a moratorium on all activities that fall under the authority of the EPA Project Manager at the Hunters Point Naval Shipyard, and conduct a comprehensive investigation of past and present environmental hazards and public health threats associated with both remediation and redevelopment activities.

The coalition calls on San Francisco Mayor Edwin Lee, the San Francisco Supervisors, and San Francisco Public Health Director Barbara Garcia:

- Remove Amy Brownell, Environmental Engineer in the San Francisco Department of Public Health, and any other city employee involved in the cover-up, from their involvement in the Hunters Point Shipyard Project.
- Launch a full investigation into public corruption involved in the Lennar Corporation

redevelopment of the Hunters Point Naval Shipyard.

The email correspondence obtained through a public records request is available at:
www.cleanupnotcoverup.com.